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DOCUMENT
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NIGEL FREDRICKS,

Plaintiff,

-against-

CORRECTION OFFICER JOHN DOE;
DEPUTY OFFICER JOHN DOE; CAPTAIN
OFFICER JOHN DOE; CORRECTION
OFFICER JOHN SHAHEEN #5258;
CORRECTION OFFICER JOHN RICHARDS
#18595,

Defendants.

20 Civ. 5738 (AT)

ORDER OF SERVICE

ANALISA TORRES, United States District Judge:

Plaintiff, currently detained in the North Infirmity Command (NIC) on Rikers Island, brings this *pro se* action under 42 U.S.C. § 1983, alleging that defendants violated his federal constitutional rights.¹ By order dated August 7, 2020, the Court granted Plaintiff's request to proceed without prepayment of fees, that is, *in forma pauperis*.²

A. Waiver of Service

The Clerk of Court is directed to notify the New York City Department of Correction (DOC) and the New York City Law Department of this order. The Court requests that Correction Officers Shaheen #5258 and Richards #18595 waive service of summons.

¹ On July 21, 2020, the Court received Plaintiff's original complaint in this action. On July 24, 2020, the Court received an amended complaint. (ECF No. 4.) The Clerk of Court docketed the amended complaint in this action and also opened it as a new action, *Fredricks v. Doe*, ECF 1:20-CV-5972, 2. By order dated August 3, 2020, Chief Judge McMahon dismissed the complaint in that action as duplicative of the amended complaint in this action. *Fredricks*, ECF 1:20-CV-5972, 4. The amended complaint (ECF No. 4) is the operative pleading.

² Prisoners are not exempt from paying the full filing fee even when they have been granted permission to proceed *in forma pauperis*. See 28 U.S.C. § 1915(b)(1).

B. *Valentin* Order

Under *Valentin v. Dinkins*, a *pro se* litigant is entitled to assistance from the district court in identifying a defendant. 121 F.3d 72, 76 (2d Cir. 1997). In the amended complaint, Plaintiff supplies sufficient information to permit the DOC to identify (1) the John Doe correction officer working the A-Post at NIC on January 3, 2020; (2) the John Doe deputy working the 3:00 p.m. to 11:00 p.m. shift at NIC on January 3, 2020; and (3) the John Doe³ captain working the 3D housing area at NIC on January 4, 2020. It is therefore ordered that the New York City Law Department, which is the attorney for and agent of the DOC, must ascertain the identity and badge number of each John Doe whom Plaintiff seeks to sue here and the address where each defendant may be served.⁴ The New York City Law Department must provide this information to Plaintiff and the Court within sixty days of the date of this order.

Within thirty days of receiving this information, Plaintiff must file an amended complaint naming the John Doe defendants. The amended complaint will replace, not supplement, the original complaint. An amended complaint form that Plaintiff should complete is attached to this order. Once Plaintiff has filed an amended complaint, the Court will screen the amended complaint and, if necessary, issue an order asking Defendants to waive service.

C. Local Civil Rule 33.2

Local Civil Rule 33.2, which requires defendants in certain types of prisoner cases to respond to specific, court-ordered discovery requests, applies to this action. Those discovery

³ Plaintiff refers to this defendant in the amended complaint as “Captain John John.”

⁴ If the Doe defendant is a current or former DOC employee or official, the New York City Law Department should note in the response to this order that an electronic request for a waiver of service can be made under the e-service agreement for cases involving DOC defendants, rather than by personal service at a DOC facility. If the Doe defendant is not a current or former DOC employee or official, but otherwise works or worked at a DOC facility, the New York City Law Department must provide a residential address where the individual may be served.

requests are available on the Court's website under "Forms" and are titled "[Plaintiff's Local Civil Rule 33.2 Interrogatories and Requests for Production of Documents](#)." Within 120 days of the date of this order, Defendants Shaheen and Richards must serve responses to these standard discovery requests. In their responses, Defendants Shaheen and Richards must quote each request verbatim.⁵

CONCLUSION

The Clerk of Court is directed to mail a copy of this order to Plaintiff, together with an information package.

The Clerk of Court is directed to electronically notify the New York City Department of Correction and the New York City Law Department of this order. The Court requests that Defendants Correction Officers Shaheen #5258 and Richards #18595 waive service of summons.

The Clerk of Court is directed to mail a copy of this order and the complaint to the New York City Law Department at: 100 Church Street, New York, New York 10007.

An "Amended Complaint" form is attached to this order.

Local Civil Rule 33.2 applies to this action.

SO ORDERED.

Dated: August 20, 2020
New York, New York



ANALISA TORRES
United States District Judge

⁵ If Plaintiff would like copies of these discovery requests before receiving the responses and does not have access to the website, Plaintiff may request them from the Pro Se Intake Unit.